IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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CHAO WEN OU,
on behalf of himself
and all other persons similarly situated

Civil Action No. 2:16-CV-04429

Plaintiff,

vs.

JOINT PROPOSED DISCOVERY PLAN

LAN GARDEN RESTAURANT AND BAR INC.
D/B/A LAN GARDEN 88, JOHN NG, "JOHN" WANG,
"JANE" CHEN, JOHN DOE AND JANE DOE 1-10,

Defendants.

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1. Set forth a factual description of the case. Include the causes of action and affirmative defenses asserted.

Plaintiff:

This matter arises under the Fair Labor Standards Act (29 U.S.C. §§ 201 et seq.), the New Jersey State Wage and Hour Law (" NJWHL") and the supporting federal and New Jersey State Department of Labor Regulations. From September 2014 to September 2015, Plaintiff CHAO WEN OU ("Ou") was employed to work as a Chef by Lan Garden Restaurant And Bar Inc. d/b/a LAN GARDEN 88, JOHN NG, "JOHN" WANG, "JANE" CHEN ("Defendants" Collectively) located at 88 Rte 46 W, Ridgefield, NJ 07657. Throughout his employment Plaintiff regularly worked six days a week for about seventy-eight (78) hours per week. Plaintiff was paid a fixed $5,000 monthly compensation regardless of the hours he actually worked and Defendants failed to accurately track plaintiff's work hours. Plaintiff therefore was not compensated at least at one-and-one-half of the minimum wage or his calculated hourly wage, whichever is greater, for all hours worked above forty (40) in each workweek.

Defendants:

Defendants assert that Plaintiff was properly compensated for all hours worked, and based upon his managerial/executive chef position, Plaintiff was exempt from the above claims.

2. Have settlement discussions taken place? Yes _____ No _x__

(a) What was plaintiff's last demand?

(1) Monetary demand: $ N/A .

(2) Non-monetary demand: N/A .

(b) What was defendants' last offer?

(1) Monetary offer: $ N/A .

(2) Non-monetary offer: N/A .

(3) The parties [have _X__/have not ___] exchanged the information required by FED. R. CIV. P. 26(a)(1). If not, state the reason therefor.

(4) Describe any discovery conducted other than the above disclosures. None.

(5) Generally, dispositive Motions cannot be filed until the completion of discovery. Describe any Motions any party may seek to make prior to the completion of discovery. Include any jurisdictional Motions and Motions to Amend. None. .

(6) The parties proposed the following:

(a) Discovery is needed on the following subjects:

Plaintiff's position: All allegations in the Complaint and Defendants' affirmative defenses

Defendants' position: Plaintiff's allegations in the Complaint and Defendants' Affirmative Defenses; specifically, wage and hour.

(b) Should discovery be conducted in phases? If so, explain. No. .

(c) Number of Interrogatories by each party to each other party: 25 .

(d) Number of Depositions to be taken by each party: Plaintiff: 4 / Defendants: 1 .

(e) Plaintiff's expert report due on N/A .

(f) Defendants' expert report due on N/A .

(g) Motions to Amend or to Add Parties to be filed by February 17, 2017.

(h) Dispositive motions to be served within 30 days of completion of discovery.

(i) Factual discovery to be completed by July 14, 2017 .

(j) Expert discovery to be completed by N/A .

(k) Set forth any special discovery mechanism or procedure requested, including preservation orders or protective orders: N/A .

(l) A pre-trial conference may take place on September 11, 2017 .

(m) Trial by jury or non-jury trial? Jury Trial .

(n) Trial date: October 30, 2017 .

(7) Do you anticipate any discovery problem(s)? Yes ________ No X

(8) Do you anticipate any special discovery needs (i.e., videotape/telephone depositions, problems with out-of-state witnesses or documents, etc.)? Yes ______ No X

(9) State whether this case is appropriate for voluntary arbitration (pursuant to L. CIV. R. 201.1 or otherwise), mediation (pursuant to L. CIV. R. 301.1 or otherwise), appointment of a

special master or other special procedure. If not, explain why and state whether any such procedure may be appropriate at a later time (i.e., after exchange of pre-trial disclosures, after completion of depositions, after disposition of dispositive motions, etc.). Mediation may be appropriate before and during the discovery process.

(10) Is this case appropriate for bifurcation? Yes ______ No __X_____

(11) We [do ______/do not X_____ consent to the trial being conducted by a Magistrate Judge.

Dated: December 2, 2016

Respectfully submitted,

HANG & ASSOCIATES, PLLC

By: __s/Keli Liu________________
Keli Liu
136-18 39th Avenue
Flushing, New York 11354
Telephone: 718-353-85882
kliu@hanglaw.com
Attorneys for Plaintiff

MKC Law Group LLC
Law Offices of Michael K. Chong, LLC

By:_s/_Michael K. Chong
Michael K. Chong

***Fort Lee Office*:**
Executive Drive, Suite 720
Fort Lee, New Jersey 07024
Attorneys for Lan Garden Restaurant and Bar , JOHN NG.